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| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|-------------------------|
| 10/810,963 | 03/26/2004 | Thomas Rueckes | 112020.146 US2 (NAN-22) |

23483
WILMER CUTLER PICKERING HALE AND DORR, LLP
60 STATE STREET
BOSTON, MA 02109

CONFIRMATION NO. 9816

FORMALITIES LETTER



OC000000012893635

Date Mailed: 06/07/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$65** for a Small Entity

- **\$65** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

11/12/2004 FFANAI2 00000039 080219 10810963

02 FC:2051

65.00 DA

*A copy of this notice **MUST** be returned with the reply.*

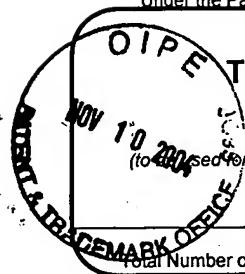
Ma

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

| | |
|------------------------|-----------------------|
| Application Number | 10/810,963 |
| Filing Date | 03/26/2004 |
| First Named Inventor | RUECKES, et al. |
| Art Unit | 2818 |
| Examiner Name | To Be Assigned |
| Attorney Docket Number | 112020.146 US2 NAN-22 |

ENCLOSURES (Check all that apply)

| | | |
|---|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): - Postcard |
| <input type="checkbox"/> Remarks 1. Executed Declaration and Power of Attorney (3 documents) 2. Part 2 of Formalities Letter (Notice to File Missing Parts) | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | |
|-------------------------|---|
| Firm or Individual name | Mary Rose Scozzafava |
| Signature | <i>Mary Rose Scozzafava Reg. No 36268</i> |
| Date | 11/08/2004 |

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

| | | | |
|-----------------------|-----------------------|------|------------|
| Typed or printed name | Tina M. Dougal | | |
| Signature | <i>Tina M. Dougal</i> | Date | 11/08/2004 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Attorney Docket No. 112020.146 US2 NAN-22

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: RUECKES, et al.

Serial No.: 10/810,963 Examiner: To Be Assigned

Filed: March 26, 2004 Group Art Unit: 2818

For: Non-Volatile Ram Cell and Array Using Nanotube Switch Position for Information State

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8(a)

I hereby certify that this correspondence and the enclosures referenced herein are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: MS Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 8, 2004.

Tina M. Dougal
Tina M. Dougal

MS Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE TO FILE MISSING PARTS
OF NONPROVISIONAL APPLICATION
FILED UNDER 37 CFR 1.53(b)
(FILING DATE GRANTED)**

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application (Filing Date Granted) mailed June 7, 2004, enclosed for filing in the above-identified application are the following documents:

1. Executed Declaration and Power of Attorney (3 documents in total);
2. Petition for Three-Month Extension of Time;
3. Part 2 of Formalities Letter;
4. Fee Transmittal.

Lastly, enclosed is self-addressed, postage prepaid postcard. Please stamp the date of receipt of the above documents and return the postcard to the undersigned.

The Commissioner is hereby authorized to charge \$555 to Deposit Account No. 08-0219 for the surcharge relating to the late submission of the Declaration and Power of Attorney and a three-month extension fee as indicated on the Fee Transmittal.

No additional fees are believed to be due in this matter; however, should there be an error in the fee calculation, please debit any underpayment or credit any overpayment to Deposit Account No. 08-0219.

Respectfully submitted,

Dated: November 8, 2004


Mary Rose Scozzafava, Ph.D.
Registration No. 36,268
Attorney for Applicants

Wilmer Cutler Pickering Hale and Dorr LLP
60 State Street
Boston, Massachusetts 02109
(617) 526-6000 (Telephone)
(617) 526-5000 (Facsimile)

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PE
FEE TRANSMITTAL
for FY 2005**

NON 1-0 2004 Effective 01/01/2004. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

~~TRADEMARK~~

TOTAL AMOUNT OF PAYMENT

(\$) 555.00

Complete if Known

| | |
|----------------------|-----------------------|
| Application Number | 10/810,963 |
| Filing Date | 03/26/2004 |
| First Named Inventor | RUECKES, et al. |
| Examiner Name | To Be Assigned |
| Art Unit | 2818 |
| Attorney Docket No. | 112020.146 US2 NAN-22 |

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other None

Deposit Account:

| | |
|------------------------|---|
| Deposit Account Number | 08-0219 |
| Deposit Account Name | Wilmer Cutler Pickering Hale and Dorr LLP |

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

| Fee Code (\$) | Fee Code (\$) | Fee Description | Fee Paid |
|---------------|---------------|--|----------|
| 1051 130 | 2051 65 | Surcharge - late filing fee or oath | 65.00 |
| 1052 50 | 2052 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 130 | 1053 130 | Non-English specification | |
| 1812 2,520 | 1812 2,520 | For filing a request for ex parte reexamination | |
| 1804 920* | 1804 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 1,840* | 1805 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 110 | 2251 55 | Extension for reply within first month | |
| 1252 1430 | 2252 215 | Extension for reply within second month | 490.00 |
| 1253 980 | 2253 490 | Extension for reply within third month | |
| 1254 1,530 | 2254 765 | Extension for reply within fourth month | |
| 1255 2,080 | 2255 1,040 | Extension for reply within fifth month | |
| 1401 340 | 2401 170 | Notice of Appeal | |
| 1402 340 | 2402 170 | Filing a brief in support of an appeal | |
| 1403 300 | 2403 150 | Request for oral hearing | |
| 1451 1,510 | 1451 1,510 | Petition to institute a public use proceeding | |
| 1452 110 | 2452 55 | Petition to revive - unavoidable | |
| 1453 1,330 | 2453 665 | Petition to revive - unintentional | |
| 1501 1,370 | 2501 685 | Utility issue fee (or reissue) | |
| 1502 490 | 2502 245 | Design issue fee | |
| 1503 660 | 2503 330 | Plant issue fee | |
| 1460 130 | 1460 130 | Petitions to the Commissioner | |
| 1807 50 | 1807 50 | Processing fee under 37 CFR 1.17(q) | |
| 1806 180 | 1806 180 | Submission of Information Disclosure Stmt | |
| 8021 40 | 8021 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 790 | 2809 395 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 1810 790 | 2810 395 | For each additional invention to be examined (37 CFR 1.129(b)) | |
| 1801 790 | 2801 395 | Request for Continued Examination (RCE) | |
| 1802 900 | 1802 900 | Request for expedited examination of a design application | |

SUBTOTAL (2) (\$) 0.00

** or number previously paid, if greater; For Reissues, see above

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 555.00

(Complete if applicable)

SUBMITTED BY

| | | | | |
|-------------------|-----------------------------|--------------------------------------|--------|--------------------------|
| Name (Print/Type) | Mary Rose Scozzafava | Registration No. (Attorney/Agent) | 36,268 | Telephone (617) 526-6466 |
| Signature | <i>Mary Rose Scozzafava</i> | | Date | 11/08/2004 |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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